

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

ANTHONY LEWIS

PLAINTIFF

v.

CIVIL ACTION NO. 3:19-cv-769-CWR-FKB

**O'FERRALL MANAGEMENT GROUP LLC D/B/A
MCDONALDS**

DEFENDANT

**COMPLAINT
JURY TRIAL DEMANDED**

COMES NOW the Plaintiff, Anthony Lewis, by and through counsel, Watson & Norris, PLLC, and files this action to recover damages for violations of his rights under the Americans with Disabilities Act of 1990 (ADA), against Defendant, O'Ferrall Management Group, LLC d/b/a McDonalds. In support of this cause, the Plaintiff would show unto the Court the following facts to-wit:

THE PARTIES

1. Plaintiff, Anthony Lewis, is an adult male citizen of Madison County, Mississippi.
2. Defendant, O'Ferrall Management Group LLC d/b/a McDonalds, is a Mississippi Limited Liability Corporation doing business in the State of Mississippi and be served with process through its registered agent: Marc O'Ferrall, 113 South Lafayette Street, Starkville, Mississippi 39759.

JURISDICTION AND VENUE

3. This Court has federal question and civil rights jurisdiction and venue is proper in this court.
4. Plaintiff timely filed a Charge of Discrimination with the EEOC asserting

claims of disability discrimination, a true and correct copy of which is attached as Exhibit "A." During its investigation, the EEOC issued a Determination finding that Plaintiff's rights under the ADA were violated by Defendant, a copy of which is attached as Exhibit "B." On July 30, 2019, the EEOC issued a Dismissal and Notice of Rights, a true and correct copy of which is attached as Exhibit "C."

5. Plaintiff timely files this cause of action within the appropriate statute of limitations for claims arising under the ADA.

STATEMENT OF FACTS

6. Plaintiff is an adult male citizen of Madison County, Mississippi.

7. Plaintiff was hired on at McDonald's Restaurant as a Janitor on December 6, 2004.

8. Plaintiff was a Special Education student throughout his schooling and never learned to read.

9. Plaintiff has been diagnosed with an Intellectual Disability.

10. Plaintiff originally obtained his position at McDonald's through a program with his school aimed at finding employment for its Special Education students.

11. On March 23, 2018, Plaintiff went to work at McDonald's.

12. When Plaintiff arrived, the Manager gave Plaintiff a Disciplinary Action Form that stated Plaintiff was being written up for "Unsatisfactory Performance."

13. The form stated: "Assignments that are and have been given to Anthony Lewis are not being executed efficiently...Effective 03-23-2018 Anthony Lewis is being relived of duties due to Unsatisfactory Performance."

14. During the entirety of the nearly fourteen years prior to this date, Plaintiff had faithfully worked in his position.

15. Plaintiff had never been written up or received any other disciplinary actions against him.

16. Plaintiff had rarely if ever called in or taken vacation, and he was beloved by the store's customers.

17. The Defendant violated the ADA by terminating Plaintiff based on his disability.

18. The Defendant's actions constitute intentional discrimination on the basis of the Americans With Disabilities Act (ADA).

**COUNT I: VIOLATION OF THE ADA –
THE AMERICANS WITH DISABILITIES ACT OF 1990**

19. Plaintiff re-alleges and incorporates all averments set forth in paragraphs 1 through 18 above as if fully incorporated herein.

43. The Defendant violated the ADA by terminating Plaintiff because of his disability.

44. The unlawful actions of the Defendant complained of above were intentional, malicious, and taken in reckless disregard of the statutory rights of Plaintiff.

PRAYER FOR RELIEF

WHEREFORE PREMISES CONSIDERED, Plaintiff respectfully prays that upon hearing of this matter by a jury, the Plaintiff be granted the following relief in an amount to be determined by the jury:

1. Back wages and reinstatement; or
2. Future wages in lieu of reinstatement;
3. Compensatory damages;

4. Punitive damages;
5. Attorney's fees;
6. Lost benefits;
7. Pre-judgment and post-judgment interest;
8. Costs and expenses; and
9. Such further relief as is deemed just and proper.

THIS the 15th day of October, 2019.

Respectfully submitted,

ANTHONY LEWIS, Plaintiff

By:



Louis H. Watson, Jr. (MB# 9053)

Nick Norris (MB# 101574)

Attorneys for Plaintiff

OF COUNSEL:

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